



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,261	08/29/2003	Frederick B. Harris	5266-08801	1957

44015 7590 04/06/2006

OPTV/MEYERTONS  
THE CHASE BUILDING  
700 LAVACA, SUITE 800  
AUSTIN, TX 78701

EXAMINER

MA, JOHNNY

ART UNIT	PAPER NUMBER
----------	--------------

2623

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/652,261	HARRIS, FREDERICK B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Johnny Ma	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

Please note that this is a new Final Rejection in view of amendments to the claims filed on 9/16/2005 and 2/21/2006.

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2, 10, 16, and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Turner (US 2002/0059608 A1 of record).

As to claim 1, note the Turner reference that discloses a television system. The claimed “broadcasting a plurality of modules from a server to a plurality of client devices, at least one of said modules having an associated module number” is met by “[a] television system hereinafter described includes a broadcast receiver (called a set top box) for receiving digital data via terrestrial, cable or digital means, transmitted from a broadcaster at a remote location. The digital data results in a large number of channels [module numbers] and programs [modules] available for selection by a user” (Turner [0001]). The claimed “wherein said plurality of modules are not broadcast responsive to a client request” is met by the broadcast of

programming by a broadcaster at a remote location (Turner [0001]). The claimed “sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting” is met by “[t]he user’s query is sent to a server 8 located at broadcast station 6” (Turner [0026]). The claimed “receiving the search criteria at the server and identifying a qualifying module number which corresponds to the search criteria” is met by “[t]he server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria. Programme information containing the matched criteria is cross referenced with EPG data to produce the resulting programme or programmes” (Turner [0026]) wherein the programme information includes the channel [module number] on which the programme [module] is to be shown (Turner [0028]). The claimed “sending the qualifying module number to the client device” is met by the sending of the matched results, including channel numbers, to the set top box (Turner [0026, 0028]). The claimed “receiving the qualifying module number at the client device” is met by the receipt of the matched results, including channel numbers, by the set top box for display (Turner [0026]). The claimed “retrieving a first module of said modules at the client device, in response to matching the received qualifying module number to said first module” is met by “[t]he results to the users query can be displayed in a form that the user can browse and select programmes to watch and record” (Turner [0027]) wherein by selecting a program to be watched, a program [module] is retrieved by channel [module number].

As to claim 2, the claimed “further comprising displaying information corresponding to the first module on a display associated with said client device” is met by “[t]he results to the user’s query can be displayed in a form that the use can browse and select programmes to watch and record” (Turner [0027]) wherein “[f]or example, the information returned may include the

Art Unit: 2623

name of a programme containing the requested information, the channel on which the programme is to be shown, the time of the programme, the length of the programme, a brief summary of what the programme is about and/or the like” (Turner [0028]).

As to claim 10, note the Turner reference that discloses a television system. The claimed “a server configured to broadcast a plurality of modules to a plurality of client devices, at least one of said modules having an associated module number” is met by “[a] television system hereinafter described includes a broadcast receiver (called a set top box) for receiving digital data via terrestrial, cable or digital means, transmitted from a broadcaster at a remote location. The digital data results in a large number of channels [module numbers] and programs [modules] available for selection by a user” (Turner [0001]). The claimed “wherein said plurality of modules are not broadcast responsive to a client request” is met by the broadcast of programming by a broadcaster at a remote location (Turner [0001]). The claimed “sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting” is met by “[t]he user’s query is sent to a server 8 located at broadcast station 6” (Turner [0026]). The claimed “a client device coupled to receive said modules” is met by “a broadcast data receiver (called a set top box) for receiving digital data via terrestrial, cable or digital means, transmitted from a broadcaster [server] at a remote location” (Turner [0001]). The claimed “client device is configured to: receive search criteria from a user” is met by “[a] user inputs a query into the set top box 4 using a keyboard (not shown) via a user’s query box provided on display screen 2” (Turner [0024]). The claimed “[client device is configured to:] send said search criteria to the server, subsequent to the server broadcasting said modules” is met by “[t]he user’s query is sent to a server 8 located at broadcast station 6” (Turner [0026])

Art Unit: 2623

wherein the broadcast station has already broadcast the modules (current programming) (Turner [0001]). The claimed “wherein said server is further configured to receive the search criteria, identify a qualifying module number corresponding to the search criteria, and send the qualifying module number to the client device” is met by “[t]he server processes the query expression... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches... Programme information containing the matched criteria... are sent from the server 8 to the set top box 4” (Turner [0026]) wherein the Programme information includes the channel (module number) on which the programme is to be shown (Turner [0028]). The claimed “wherein said client device is further configured to: receive the qualifying module number” is met by the receipt of the matching programme information for display (Turner [0026]). The claimed “[wherein said client device is further configured to:] retrieve a first module of said modules, in response to matching the received qualifying module number to said first module” is met by “[t]he results to the users query can be displayed in a form that the user can browse and select programmes to watch and record” (Turner [0027]) wherein by selecting a program to be watched, a program [module] is retrieved by channel [module number].

As to claim 16, note the Turner reference that discloses a television system. The claimed “circuitry configured to receive broadcast signal comprising a plurality of modules, at least one of said modules having an associated module number” is met by “[a] television system hereinafter described includes a broadcast receiver (called a set top box) for receiving digital data via terrestrial, cable or digital means, transmitted from a broadcaster at a remote location. The digital data results in a large number of channels [module numbers] and programs [modules] available for selection by a user” (Turner [0001]). The claimed “said plurality of modules are

Art Unit: 2623

not being broadcast responsive to a request from a client request” is met by the broadcast of programming by a broadcaster at a remote location (Turner [0001]). The claimed “processing circuitry configured to: receive search criteria from a user” is met by “[a] user inputs a query into the set top box 4 using a keyboard (not shown) via a user’s query box provided on display screen 2” (Turner [0024]). The claimed “[processing circuitry configured to:] send said search criteria to the server, subsequent to the server broadcasting said modules” is met by “[t]he user’s query is sent to a server 8 located at broadcast station 6” (Turner [0026]) wherein the broadcast station has already broadcast the modules (current programming) (Turner [0001]). The claimed “receive from said server a qualifying module number, said number corresponding to the search criteria” is met by “[t]he server processes the query expression... The server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches... Programme information containing the matched criteria... are sent from the server 8 to the set top box 4” (Turner [0026]) wherein the Programme information includes the channel (module number) on which the programme is to be shown (Turner [0028]). The claimed “retrieve a first module of said modules, in response to matching the received qualifying module number to said first module” is met by “[t]he results to the users query can be displayed in a form that the user can browse and select programmes to watch and record” (Turner [0027]) wherein by selecting a program to be watched, a program [module] is retrieved by channel [module number].

As to claims 20-21, please see rejections of claims 1-2, respectively, wherein it is inherent that the headend server and set top box (Turner [0001]) utilize machine readable code for operation.

***Claim Rejections - 35 USC § 103***

Art Unit: 2623

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3, 6-7, 11, 14, 17-18, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2002/0059608 A1 of record) in further view of Dunn (US 6,668,377 B1 of record).

As to claim 3, note the Turner reference discloses broadcasting programming to users over a plurality of channels (Turner [0001]) wherein a user may submit a search to retrieve matching programs (modules) (Turner [0024-0028]). However, the Turner reference is silent as to requesting video from a server. Now note the Dunn reference that discloses a system for previewing video trailers wherein “[a] viewer enters the VOD application by switching to the designated VOD channel on the set-top box, either by random channel surfing or by directly switching to that channel. When the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:55-60). The claimed “a viewer generating a video request based upon said displayed information” and “sending said video request to said server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “sending a video corresponding to said video request from the server to the client device” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in



Art Unit: 2623

the art at the time the invention was made to modify the Turner broadcasting of programming (modules) and search for a user to browse and select programs to watch with the Dunn previews (module) and video request for the purpose of providing on demand movies to users so that users may view programming at their convenience and in a manner that program providers may generate additional revenue. The claimed "said video being associated with said first module" is met by the Turner and Dunn combination as discussed above wherein the requested program is associated with the previews (Dunn 12:66-13:10).

As to claim 6, the Turner and Dunn combination teaches providing video on demand. However, the Turner and Dunn combination is silent as to transmitting the content until an acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications network for the purpose of ensuring that data is transmitted and received by a receiver. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner and Dunn combination teaching the transmission of selected content to a user accordingly for the above stated advantages.

As to claim 7, the claimed "further comprising continuously sending said video from the server for a predetermined period of time" is met by the Turner and Dunn combination as discussed in the rejection of claim 3 wherein "[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB" (Dunn 13:6-8), wherein the video content program is inherently sent for a predetermined period of time in order for a receiver to receive such information from the server.

As to claim 11, note the Turner reference discloses broadcasting programming to users over a plurality of channels (Turner [0001]) wherein a user may submit a search to retrieve matching programs (modules) (Turner [0024-0028]). However, the Turner reference is silent as to requesting video from a server. Now note the Dunn reference that discloses a system for previewing video trailers wherein “[a] viewer enters the VOD application by switching to the designated VOD channel on the set-top box, either by random channel surfing or by directly switching to that channel. When the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:55-60). The claimed “generate a video request based upon information corresponding to the first module” and “send said video request to said server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “receive a video corresponding to said video request from the server, in response to said request” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner broadcasting of programming (modules) and search for a user to browse and select programs to watch with the Dunn previews (module) and video request for the purpose of providing on demand movies to users so that users may view programming at their convenience and in a manner that program providers may generate additional revenue.

As to claim 14, the Turner and Dunn combination teaches providing video on demand. However, the Turner and Dunn combination is silent as to transmitting the content until an

Art Unit: 2623

acknowledgement of receipt is received by the server. Nevertheless, the examiner gives Official Notice that it is notoriously well known in the art to transmit data until an acknowledgement of data receipt by a receiver in a data communications network for the purpose of ensuring that data is transmitted and received by a receiver. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner and Dunn combination teaching the transmission of selected content to a user accordingly for the above stated advantages.

As to claim 17, note the Turner reference discloses broadcasting programming to users over a plurality of channels (Turner [0001]) wherein a user may submit a search to retrieve matching programs (modules) (Turner [0024-0028]). However, the Turner reference is silent as to requesting video from a server. Now note the Dunn reference that discloses a system for previewing video trailers wherein “[a] viewer enters the VOD application by switching to the designated VOD channel on the set-top box, either by random channel surfing or by directly switching to that channel. When the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:55-60). The claimed “generate a video request based upon information corresponding to the first module” and “send said video request to a server” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “receive a video corresponding to said video request from the server, in response to said request” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8). Therefore, the examiner submits that it would have been obvious to one of

Art Unit: 2623

ordinary skill in the art at the time the invention was made to modify the Turner broadcasting of programming (modules) and search for a user to browse and select programs to watch with the Dunn previews (module) and video request for the purpose of providing on demand movies to users so that users may view programming at their convenience and in a manner that program providers may generate additional revenue.

As to claim 18, note the Turner reference that discloses a television system. The claimed “a database” is met by EPG database (Turner [0005, 0009]). The claimed “a server coupled to said database” is met by server coupled to EPG database for searching (Turner [0026]). The claimed “wherein said server is configured to: broadcast a plurality of modules to a plurality of client devices, at least one of said modules having an associated module number” is met by “[a] television system hereinafter described includes a broadcast receiver (called a set top box) for receiving digital data via terrestrial, cable or digital means, transmitted from a broadcaster at a remote location. The digital data results in a large number of channels [module numbers] and programs [modules] available for selection by a user” (Turner [0001]). The claimed “wherein said plurality of modules are not broadcast responsive to a client request” is met by the broadcast of programming by a broadcaster at a remote location (Turner [0001]). The claimed “sending search criteria from a client device of the plurality of client devices to the server, subsequent to said broadcasting” is met by “[t]he user’s query is sent to a server 8 located at broadcast station 6” (Turner [0026]). The claimed “receive the search criteria from one of said client devices; identify a qualifying module number corresponding to the search criteria” is met by “[t]he server 8 then searches EPG and/or closed caption databases 12 and 14 respectively for matches to the determined criteria. Programme information containing the matched criteria is cross referenced

Art Unit: 2623

with EPG data to produce the resulting programme or programmes” (Turner [0026]) wherein the programme information includes the channel [module number] on which the programme [module] is to be shown (Turner [0028]). The claimed “send the qualifying module number to the client device” is met by the sending of the matched results, including channel numbers, to the set top box (Turner [0026, 0028]). However, the Turner reference is silent as to requesting video from a server. Now note the Dunn reference that discloses a system for previewing video trailers wherein “[a] viewer enters the VOD application by switching to the designated VOD channel on the set-top box, either by random channel surfing or by directly switching to that channel. When the STB tunes to the VOD channel, a continuous loop of ‘new releases’ trailers are immediately displayed” (Dunn 6:55-60). The claimed “receive a video request from said client device, said request being based upon information corresponding to the qualifying module” is met by “[o]nce the viewer settles on a particular program and orders it (i.e., the ‘yes’ branch from step 240), the STB transmits the program moniker to the headend (step 242)” (Dunn 13:3-5). The claimed “retrieve a video corresponding to said video request from said database, in response to said request; and convey said retrieved video to said client” is met by “[t]he CMS database is accessed using the moniker to retrieve the full length video content program (step 244), which is then transmitted back to the STB” (Dunn 13:6-8). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner broadcasting of programming (modules) and search for a user to browse and select programs to watch with the Dunn previews (module) and video request for the purpose of providing on demand movies to users so that users may view programming at their convenience and in a manner that program providers may generate additional revenue.

As to claim 22, please see rejections of claim 3 wherein it is inherent that the headend server and set top box (4:45-62) utilize machine readable code for operation.

6. Claims 4 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2002/0059608 A1 of record) in further view of Dunn (US 6,668,377 B1 of record) and Kimble (US 2002/0016969 A1 of record).

As to claim 4, the Turner and Dunn combination teaches providing video on demand. However, the Turner and Dunn combination does not teach the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The claimed “inserting the requested video in a designated channel location in a broadcast; sending the designated channel location from the server to the client device; and using the designated channel location to retrieve the requested video from the broadcast at the client device” is met by “[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file” wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VOD event file as taught by Kimble in the Turner and Dunn combination for the purpose of providing bandwidth to transmit such information from a server to a user.

As to claim 12, the Turner and Dunn combination teaches providing video on demand. However, the Turner and Dunn combination does not teach the process for which such video is transmitted to the user. Now note the Kimble reference that discloses a media on demand system and method. The claimed “wherein said server is further configured to insert the requested video in a designated channel location in a broadcast and send the designated channel location to the

Art Unit: 2623

client device, and wherein the client device is further configured to use the designated channel location to retrieve the requested video from the broadcast” is met by “[t]he VOD server may also dynamically allocate a channel for the VOD event and includes an indicator of the same in the VOD event file” wherein the set top box uses the VOD event file to receive the VOD event (paragraph 0011). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the VOD event file as taught by Kimble with the Turner and Dunn combination for the purpose of providing bandwidth to transmit such information from a server to a user.

7. Claims 5 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2002/0059608 A1 of record) in further view of Dunn (US 6,668,377 B1 of record) and Lett et al. (US 5,592,551 of record).

As to claim 5, the Turner and Dunn. combination teaches providing video on demand. However, the Turner and Dunn combination does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “sending a broadcast time for the requested video to the client device; inserting the requested video in a broadcast at the broadcast time; and retrieving the video from the broadcast at the client device at the broadcast time” are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. with Turner and

Dunn combination video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

As to claim 13, the Turner and Dunn combination teaches providing video on demand. However, the Turner and Dunn combination does not show the process for which such video is transmitted to the user. Now note the Lett et al. reference that discloses a method and apparatus for providing interactive electronic programming guide. The claimed “wherein the server is further configured to send a broadcast time for the requested video to the client device and insert the requested video in a broadcast at the broadcast time; and wherein the receiving station is further configured to retrieve the video from the broadcast at the broadcast time” are met by user purchasing a pay per view program including a security number feature, the user can then wait for the program to begin or view other programs wherein the terminal may automatically tune to the even when it begins (columns 12-13). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify (if necessary) the timing information as taught by Lett et al. with the Turner and Dunn combination video upon user request for the purpose of providing content to a group of users wherein bandwidth to transmit such information from a server to a user may be conserved.

8. Claims 8, 9, 15, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2002/0059608 A1 of record) in further view of Ohyama (US 2002/0133826 A1 of record).

As to claim 8, note the Turner reference teaches all the limitations of claim 1. However, the reference is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching method for the same. The claimed “further comprising



Art Unit: 2623

sending a selected advertisement associated with said search request to the client device” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner reference with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

As to claim 9, the claimed “wherein said advertisement comprises a video.” Note the Turner and Ohyama combination discloses an advertisement. However, the Turner and Ohyama combination is silent as to whether or not the advertisement is a video. Nevertheless, the examiner gives Official Notice that video advertisements are notoriously well known in the art and are presented to the user for the purpose of providing a more entertaining format so as to attract a users attention. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner and Ohyama combination accordingly for the above stated advantage.

As to claim 15, note the Turner reference teaches all the limitations of claim 10. However, the Turner reference is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching method for the same. The claimed “identify an advertisement associated with the search request; and send the advertisement to the receiving station” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]). Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the

Art Unit: 2623

art at the time the invention was made to modify the Turner reference with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

As to claim 23, please see rejection of claim 8.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Turner (US 2002/0059608 A1 of record) in further view of Dunn (US 6,668,377 B1 of record) and Ohyama (US 2002/0133826 A1 of record).

As to claim 19, note the Turner and Dunn combination teaches all the limitations of claim 18. However, the Turner and Dunn combination is silent as to advertising. Now note the Ohyama reference that discloses a video-on-demand system and content searching method for the same. The claimed “identify an advertisement associated with the received search criteria; retrieve the advertisement from the database; and sending the advertisement to the client device” is met by “[i]t is possible for the server 107, in addition to search results, to cause display of advertisements linked to the searched for keyword” (Ohyama [0049]) wherein advertisements are retrieved from the server [database]. Therefore, the examiner submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Turner and Dunn combination with the Ohyama advertisements for the purpose of providing a means for the service provider to obtain advertising income, additional income (Ohyama [0048]).

### *Conclusion*

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

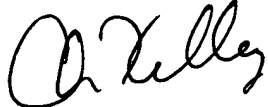
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johnny Ma whose telephone number is (571) 272-7351. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

jm

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**